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UNCLAS GUATEMALA 000705

SIPDIS

SENSITIVE

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TAGS: PHUM PGOV PREL GT OAS UN

SUBJECT: AGREEMENT ON CLANDESTINE GROUP COMMISSION

REF: GUATEMALA 471

1. (SBU) Summary: The human rights community, Human Rights Ombudsman, and FM Gutierrez agreed on the make-up and mandate for an international commission to investigate recent attacks on human rights defenders in Guatemala. Helen Mack invited the Ambassador to attend the public signing ceremony on March 13 and expressed appreciation for strong USG support for the proposal. That support will be tested as the commission moves toward formation in September. We believe the proposal is worthy and was strengthened by the facilitation of Human Rights Watch facilitator Jose Miguel Vivanco. End Summary.

2. (U) The accord on formation of a Commission to Investigate Illegal and Clandestine Security Groups (CICIACS) is for three commissioners, with subpoena powers, a witness protection program, a one-year term (renewable, in six month increments, for up to 12 months more), focused on the 1994-2003 period, to begin its operations in September 2003. The GOG pledged \$256,000 in initial financial support and committed to solicit funding from the international community, to be managed by UNOPS. A copy of the full text of the agreement (5 pages) was forwarded to WHA/CEN on March 14.

3. (U) The agreement includes a broad mandate to investigate illegal and clandestine groups, with special emphasis on those responsible for attacks on human rights defenders, justice workers, witnesses, journalists, union members and others. It is also charged with investigating illegal or clandestine activities of state security forces and private security forces since the signing of the Peace Accord on Human Rights on March 29, 1994 (relevant antecedents may also be investigated). The goal of this investigation is to dismantle criminal groups with links to the state and prosecute responsible individuals, and end attacks and threats on groups listed above. A final report on the structure, organization, and financing of groups or networks responsible for attacks and threats will include recommendations to the government. An annex to the report will include information necessary to initiate administrative action against state agents and another for criminal prosecution.

4. (U) During a March 10-13 visit to Guatemala, Jose Miguel Vivanco of Human Rights Watch reassured skeptical NGO's and rallied GOG and international support, culminating in the March 13 agreement. Ombudsman Sergio Morales announced on March 14 that his office had compiled 77 complaints of attacks, threats, crimes and intimidation of justice system workers, witnesses, and citizens which will be submitted to the commission in September.

Comment

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5. (SBU) With Department concurrence, the Ambassador has been actively supportive of the CICIACS proposal, which has now cleared its first major hurdle. NGOs are elated by Vivanco's success. However, many other obstacles remain to a fully functioning commission. The Executive must now draft a decree, negotiate agreements with the UN and OAS, submit those agreements to Congress for ratification, select a notable Guatemalan member of the commission. We will monitor and report these steps closely.

6. (SBU) We may not receive an official request for financial support immediately, but would like to be in a position to indicate the approximate amount that we are likely to commit in order to aid planning and to encourage other donors. Can we informally and unofficially advise that we are likely to commit \$500,000?

7. (SBU) We can also anticipate requests, once the Commission is established, for information, including declassified documents. The Ambassador has worked to lower expectations of a special declassification project but urges the Department to consider standing up now an effort to compile an all-source report that we could provide the Commission at the onset of its work in September. There may be better ways to be responsive but, knowing that the requests will come, we should prepare now to be as responsive as possible.

HAMILTON